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ABSTRACT

A game designed to introduce secondary and college students to the legislative process and the issues surrounding the Equal Rights Amendment through simulation and role playing is presented. The simulation places the student in the role of a member of the Senate Judiciary Committee of the State Legislature of the hypothetical state of New Columbia. At stake is whether or not the committee will recommend to the State the passage of the Equal Rights Amendment which states that "equality of rights under the law shall not be denied or abridged by the U.S. or any state on account of sex." The student plays one of seven roles corresponding to the many pro and con opinions that have been expressed about the amendment. Step by step procedures lead students into three rounds (taking approximately 40 minutes) where they: (1) review the task in front of them, (2) attend a strategy-negotiation session where coalitions and compromises can be made, and (3) attend a voting session where debate and voting will finally take place. Once a majority vote has been obtained, the committee's task is concluded, and a feedback session can begin where strategies and opinions are discussed. Materials consist of a content outline and role playing instruction. (Author/DE)

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THE "ERA" COMES TO NEW COLUMBIA.
[A SIMULATION].

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SO 008 009

Name _____

Role _____

Committee Number _____

The "ERA" Comes to New Columbia [A Simulation]

This simulation places you in the role of a member of the Senate Judiciary Committee of the State Legislature of New Columbia. At stake is whether or not the Committee will recommend to the Senate the passage of a Resolution declaring New Columbia's ratification of the Equal Rights Amendment.

Thirty-seven states have ratified the Amendment thus far; however, twelve states have refused ratification. New Columbia is the last state to consider the Amendment and the success or failure of the ERA depends on the state's decision.

Since the Senate Judiciary Committee controls all Resolutions concerning ratification of Amendments to the United States Constitution and since the House of Representatives recommended passage, the success or failure of ERA actually depends upon the decision of the Committee.

You will play the role of a member of this important Committee.

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Schedule

1. Meet in main meeting room
2. Receive:
   a. a copy of the general instruction booklet;
   b. a role;
   c. a committee number; and,
   d. a copy of the special role instruction sheet.
3. Review simulation with teacher.
4. Go to Committee Deliberation Rooms where the following will occur:

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a. the Chairman will call the Committee to order and review its task... Five Minutes;

b. the members will break for a Strategy-Negotiation Session during which Committee members may meet to discuss the issue and to create a coalition to use during the Voting Session... 15 Minutes; and,

c. the Chairman will reconvene the Committee for the Voting Session during which Committee members will debate the issue and take a vote...20 Minutes.

5. Feedback Session

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Background

The fight for equal rights for women in the United States has had a long history. Begun with the Seneca Falls Convention of 1848 (which called for the vote for women) and carried through the suffragette movement in the beginning of the twentieth century, the cause of women's rights has had a "rocky" history.

In 1919, Congress passed the Suffrage Amendment which was later ratified by the States. On August 20, 1920, less than fifteen months after approval by Congress, ratification of the Nineteenth Amendment to the U.S. Constitution was completed.

Three years after ratification of the Nineteenth Amendment, the National Women's Party succeeded in having introduced in Congress the first "equal rights amendment." Between 1923 and 1938, the only legislative actions on the amendment were hearings by subcommittees of the Judiciary Committee.

In 1940, the amendment (the ERA) received support in the platform of the Republican Party.

In 1972--forty-nine years after the ERA was first proposed--Congress was still debating its merits and demerits. In March, 1972, however, both houses of Congress-- the House in a vote of 254 to 23 (on October 12, 1971) and the Senate by a vote of 84 to 8 (on March 22, 1972)--Approved the ERA and sent it to the States. The amendment stated that "equality of rights under the law shall not be denied or abridged by the U.S. or any state on account of sex."

Thus far, thirty-seven States have ratified the Amendment and twelve have rejected it. the State of New Columbia represents the last state to consider the ERA.

The New Columbia House of Representatives overwhelmingly voted for the amendment last month. The Senate is the last obstacle. If the Senate votes for the amendment, then the amendment will become part of the Constitution; if the Senate rejects the amendment, then the ERA will not have received the necessary thirty-eight-state approval required for all amendments to the Constitution.

Attention has now focused upon the Judiciary Committee of the Senate which has the responsiblity, among others, for reporting to the Senate its findings concerning the appropriateness of amendments to the U.S. Constitution.

A great deal of pressure has been exerted on the Judiciary Committee by interest groups located both within and outside New Columbia. In addition, the national news media have been covering the New Columbia deliberations in daily dispatches.

Task

Your task is to decide, by a majority vote, whether the Senate Judiciary Committee will recommend to the Senate of New Columbia a Resolution ratifying the Equal Rights Amendment.

You will play a role in this simulation which corresponds to the many opinions which have been expressed about the amendment.

Roles

The roles in this simulation are defined by the page of special role instructions given you by your instructor. You must follow these role instructions to the letter regardless of whether or not you agree with them. Only in this way will the simulation be a success.

There are seven roles in the simulation:

Chairman of the Committee
Committee Member #2
Committee Member #3

Committee Member #4
Committee Member #5
Committee Member #6
Committee Member #7

Each member has one vote. Since a majority is required to recommend to the Senate the adoption or rejection of the House-passed Resolution, four votes (50% + 1 of seven members) are needed.

Chairman's Review of the Task...5 Minutes

As soon as the Committee has entered the Committee Deliberation Room, the Chairman will call the Committee to order and review the task. At the conclusion of the Chairman's review, the Committee will break for the Strategy-Negotiation Session.

Strategy-Negotiation Session...15 Minutes

During this part of the simulation, Committee members have the opportunity to discuss, in small groups, the merits or demerits of the Equal Rights Amendment which is under consideration. In addition, bargains, compromises, and coalitions can be struck and made during this time in order to gain votes for the Voting Session. Any reasonable inducement may be used to gain another Committeeman's vote.

Voting Session...20 Minutes

At the conclusion of the Strategy-Negotiation Session, the Committee moves immediately into the Voting Session.

During this twenty-minute period, three events will take place:

a. the Chairman will call the Committee back to order and briefly review the task;
b. he will then call for debate and discussion; and,
c. the Committee will take a vote regarding the question of whether to recommend passage by the Senate of the House-passed Resolution ratiying the Equal Rights Amendment.

After a majority vote has been obtained, the Committee's task is concluded. However, deadlocks may occur.

In case of a deadlock, the Committee should break for a five-minute strategy-negotiation period to form privately new coalitions and work new compromises. At the end of the five-minute strategy-negotiation period, the Committee should take a second vote. A deadlock in voting on this second vote will permanently deadlock the Committee.

When the Committee has reached a majority vote or has become permanently deadlocked, the Chairman should report to the teacher in the main meeting room for further instructions.

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Feedback Session

When all Committees have returned to the main meeting room, the instructor will ask each Chairman for his Committee's decision. Then, the class will have the opportunity for comparing decisions as well as delving into the reasons behind each decision.

SPECIAL ROLE INSTRUCTIONS

Committee Member #1

(Chairman of the Committee)

You were selected to the Chairmanship of the Judiciary Committee because you were noted as a pragmatic politician who was "in" with the ruling elite of the State. Your role on the ERA debate, however, is a moderator who will attempt to allow everyone on the committee ample opportunity to express his views and to follow good political procedure in coming to a decision on the issue of whether or not to submit the resolution approving the amendment to the Senate for final vote. As the issue has about equal support on both sides (pro and con) statewide, the administrations's position was to allow full debate and let the Senate membership (through the committee method) decide the issue. Your desire is to settle the question with as little ill will as possible as you want both sides to support other administrative programs in the future. If your vote proves to be a decisive one (which you hope will not occur) you will weigh all factors carefully and make the decision which you think is best (politically-speaking) for the administration.

SPECIAL ROLE INSTRUCTIONS

Committee Member #2

You are a woman lawyer, have been the President of the New Columbia League of Women for 10 years, and are the leading spirit in the State behind the move to approve the Equal Rights Amendment. You know that equal rights for women could come from judicial action, or by federal or state legislation, but also know that in the fifty years since the first ERA was introduced in 1923, this has not happened and you do not expect it to in the future. It took a Constitutional Amendment to get women the right to vote and it is the only practical answer to the question of other rights.

Sex discrimination is a fact of life in the U.S. It is the last socially acceptable prejudice. The adoption of the amendment is necessary to nullify state and federal laws and practices which treat women unequally in matters of employment, divorce, property, pensions, and inheritance. The so-called "protective laws," which some say should not be nullified, often, in effect, protect women from effective participation in society but, if they are good laws, then they should be extended to men and women. The fact is, however, that most laws, made in a historically male-dominated society, have continued the common law separation of women into a lower order of persons (often with children) and have ultimately contributed to institutional inequality which only a constitutional amendment can begin to change. The overall result of nullification, therefore, would be the betterment of the social, economic and political situation of all women regardless of socio-economic classification.

SPECIAL ROLE INSTRUCTIONS

Committee Member #3

You are a Senator from the most populated county of New Columbia. You were elected by a coalition of Blacks, labor union members, and younger voters, but a considerable number of your campaign staff workers belonged to the League of Women--the major force behind the ERA in New Columbia. You strongly believe that all forms of discrimination should be abolished but particiularly the ones which affect your supporters, i.e. discrimination based on race, age, or sex.

You are aware that progress has been made in doing away with some forms of sex discrimination--historically through the extension of the Fifth and Fourteenth Amendments and recently via Title VII of the Civil Rights Act of 1964 (Prohibits sex discrimination in employment unless sex is a "bona fide occupational qualification"), the Equal Pay Act (equal pay for equal work), and the 1972 Higher Education Bill (which prohibits sex discrimination in colleges which receive federal funds)--however, you believe that progress has been too slow. The ERA will speed up the process yet not be unnecessarily speedy, i.e. it will not go into effect for two years; therefore, the states and federal government have time to revise laws in conflict with the Amendment.

The slowness of reform, practical difficulties in getting quick and uniform equal rights through ordinary legislation, and the persistency of sex discrimination in the country make the Equal Rights Amendment necessary. An overwhelming majority of Congress and 37 state legislatures have approved the ERA. Can we ignore their collective good judgement? New Columbia can reject the Amendment and deny the majority will or they can approve it and take a prominent place in the pivotal decisions of history as the state that made equal rights for women possible.

SPECIAL ROLE INSTRUCTIONS

Committee Member #4

You are a first-term Senator elected by your constituents because of wide reputation for fair-mindedness as a teacher, local judge, and member of the House of Representatives for two terms prior to being elected to the Senate. You plan to approach the ERA question with the same open-mindedness you approach all other questions and hope to be able to determine during the committee deliberations the best solution for all the people of the State and the country.

You know that women have been legally discriminated against in the past and you do not approve of this practice. Your decision on the ERA will be based on whether or not you determine it is the best way to handle the traditional discrimination.

SPECIAL ROLE INSTRUCTIONS

Committee Member #5

You are opposed to the ERA because you think that the existing Constitutional Amendments--particularly the 5th and 14th--and current state and federal legislation, properly extended and enforced, can insure equal rights for women without the ERA. You agree with many women who oppose the ERA that laws which apply differently to men and women do not necessarily discriminate against women. You particularly dislike the vagueness and overgeneralized nature of the ERA and the uncertainity as to its exact effect. You prefer specific bills which spell out exact details of coverage. You see the possiblity of years of litigation to determine the application of the ERA and you prefer that the duly elected representatives of the people at the state and national level determine equal rights for women rather than appointed judicial officials. The political process of a democracy is slow, evolutionary in nature, and complex in execution but you think it better in the long-run than hastily prepared, politically-motivated, simplistic and vague legislation such as the ERA. In a nutshell, the ERA is bad legislation and you think it should not be favorably reported out of the committee.

SPECIAL ROLE INSTRUCTIONS

Committee Member #6

You are a woman Senator but oppose the ERA because you believe that the amendment would invalidate all state laws establishing maximum hours of work for women and would bring about "equality of mistreatment" rather than "equal rights." It would force women to work longer hours than women wanted to work--particularly women with families. Unrestricted hours may be fine for lady lawyers, such as the other woman Senator on the committee, but not for women who work in the laundries, hotels, restaurants, and on the assembly lines. The blanket amendment would wipe out years of progress in local legislation favorable to women. What is needed is specific bills for specific ills. In this way, you believe women can "have their cake and eat it."

You are very critical of the President's Advisory Council on the Status of Women, who supported the ERA, because the membership was made up on business and professional women who were not aware of what the real working women and the housewives of America really want. In the same sense you feel that your view and not that of the supporters of the ERA represents the majority attitude of all women in the country.

SPECIAL ROLE INSTRUCTIONS

Committee Member #7

Representative Emmanuel Celler attempted to keep the ERA in the Judiciary Committee in the U.S. Congress without success but you intend to do a better job at the state level. You agree with Celler that "there is as much difference between a male and a female as between a horse chestnut and a chestnut horse." You also agree with U.S. Supreme Court Justice Bradley's 1872 opinion that: "the paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." Simply put, the place of a woman is in the home.

You sincerely believe that the main reason for the rising rate of juvenile delinquency in the U.S. is that too many women are working and letting their kids run wild. The ERA would compound the problem. Most women are content to be housewives and mothers and you do not think that a few maladjusted loudmouths should push through legislation which would benefit themselves by requiring every institution and corporation in the country to bid for their services (and services of women much less qualified than they) to meet a legal quota. If the women libbers do not like their traditional roles, let them drive trucks and push wheelbarrows but also prevent them from forcing all other women to do the same.